

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Walter C. Zaremba, Chairman
Kenneth L. Bowman, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE AT 800 EAST ROCHAMBEAU DRIVE

WHEREAS, Kahn Properties East, LLC has submitted Application No. UP-696-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center (permitted as a matter-of-right) on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route F137) in the southeast quadrant of the Route 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2006, that Application No. UP-696-06 be, and it is hereby, approved to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center (permitted as a matter-of-right) on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route F137) in the southeast quadrant of the Rote 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); subject to the following conditions:

1. This use permit shall authorize an approximately 1,659-square foot fast food restaurant with drive-through service located at 800 East Rochambeau Drive (Route F137) and further identified as a portion of Assessor's Parcel No. 2-17-1.
2. The proposed fast food restaurant shall be permitted in the end unit of the proposed retail center and, except as modified herein, said site layout for the fast food restaurant shall be in substantial conformance with the plan titled "The Shops At Cedar Valley, Bruton District, York County, Virginia," prepared by Hankins and Anderson, Consulting Engineers, dated 5/18/05 and revised 8/31/05 and 11/21/05.
3. Construction and operation of the restaurant shall be in conformance with the performance standards set forth in Section 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants*, of the Zoning Ordinance.
4. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road, Rochambeau Drive, and Humelsine Parkway.
5. In order to ensure the proper functioning of the circulation system, particularly the drive-thru aisle, the restaurant owner/management shall be responsible for making arrangements so that trash removal service does not occur during restaurant operating hours.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.